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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,112	05/23/2002	Osamu Yamashita	217826USOPCT	6790

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EXAMINER
DODSON, SHELLEY A

ART UNIT	PAPER NUMBER
1616	8

DATE MAILED: 07/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/030,112

Applicant(s)

YAMASHITA ET AL.

Examiner

SHELLEY A. DODSON

Art Unit

1616



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE(3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on PRELIMINARY AMENDMENT FILED 05-23-2002
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-9, and 13-18 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-9, and 13-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

DETAILED ACTION

Claims 1, 3-9 and 13-18 are pending in this application filed 05/23/2002.

Applicant's claims are directed toward deodorants.

Claim Rejections - 35 USC § 102

15.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

16.

Claims 1, 3, 5, 8, 9, 13-15, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by both Ueda et al USP 4,919,925 (R1) and Thomas, II et al. USP 4,405,354(R2).

Both R1 and R2 disclose the technical features of the invention. Both references disclose the use of dibasic organic acids having a difference between the first acid dissociation constant and second acid dissociation constant of 1.7 or greater

(or salt thereof as the active ingredient of a deodorant for application to clothes , the body or the skin. Both references disclose the said dibasic acids have a deodorizing action and are used as active ingredients of small removing agents, deodorants and cosmetics for clothes, the body and skin. Both references disclose each and every aspect of the invention as claimed by the applicant in the instant case.

Claim Rejections - 35 USC § 103

17.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18.

Claims 4, 6, 7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over both Ueda et al USP 4,919,925 (R1) and Thomas, II et al. USP 4,405,354 (R2) in view of Carpenter et al USP 5,356,803.

Both R1 and R2 disclose the technical features of the invention. Both references disclose the use of dibasic organic acids having a difference between the first acid dissociation

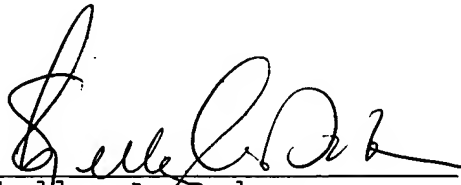
constant and second acid dissociation constant of 1.7 or greater (or salt thereof as the active ingredient of a deodorant for application to clothes , the body or the skin. Both references disclose the said dibasic acids have a deodorizing action and are used as active ingredients of small removing agents, deodorants and cosmetics for clothes, the body and skin. Both references disclose each and every aspect of the invention as claimed by the applicant in the instant case with the exception of said deodorant compositions comprising a surfactant, being sprayed and also being used as deodorants to the hair.

Carpenter et al disclose antimicrobial or deodorant compositions. Carpenter further discloses that said compositions may be employed as antiperspirants for the body or the hair. Note column 19. In columns 25-28 Carpenter further discloses that said compositions may be in the form of sprays and wipes. It would have been obvious to one of ordinary skill in this art at the time the invention was made to have incorporated the features of Carpenter into the compositions of both references R1 and R2 in view of the teachings that all three references are used as cosmetic deodorant compositions.

19.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley A. Dodson whose telephone number is (703) 308-2445. The examiner can normally be reached on Monday-Thursday from 7:30 a.m. to 5:00 p.m. The examiner can also be reached on alternate Fridays.

The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7922. A facsimile center has been established in Crystal Mall 1, Room 7C11. The hours of operation are Monday through Friday, 8:45 AM to 4:45 PM. This new location should be used in all instances when faxing any correspondence numbers to Group 1600. The Patent examining Fax Center telecopier numbers are (703) 308-7922 and (703) 308-4556. Use of the new Crystal Mall 1 Center will facilitate rapid delivery of materials to the Group. The faxing of all papers must conform with the notice published in the Official Gazette, 109 O.G. 30 (November 15, 1989).


Shelley A. Dodson
Primary Examiner
Art Unit 1616

June 30, 2003